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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,600	12/10/2001	John Bolland Reast	02004.053	4226

7590 03/08/2005

Fildes & Outland
20916 Mack Avenue Suite 2
Grosse Pointe Woods, MI 48236

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,600	Applicant(s) REAST, JOHN BOLLAND	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McJunkin, Jr. (USPN 3,711,079 cited on Form 892 in action mailed June 3, 2004) in view of Wilson (USPN 5,938,221).

McJunkin, Jr. discloses an suspension anti-roll stabilization system comprising an axle (25) mounted on leaf spring suspension arms (12 and 13) of an associated vehicle on respective opposed sides of the longitudinal axis of the vehicle with the axle being located at least partially with respect to the frame or chassis of the vehicle by the leaf spring suspension arms which are located on respective opposed sides of the longitudinal vehicle axis and of which each has one end mounted pivotally to the vehicle frame or chassis and an anti-roll means (22, 23, 33) is connected rigidly to (at 34,35) the pair of longitudinal leaf spring suspension arms. The anti-roll means (22,23,33) is connected at or adjacent the points at which the one end of each arm is pivotally attached to the frame of chassis of the associated vehicle. The anti-roll means is

connected between the connection points. Since the body of the anti-roll means 33 extends from from one side of the vehicle to the other, it is considered to be connected between the connection points. The anti-roll means adds transverse torsional stiffness to the suspension arms at or close to the connection points during vehicle roll. Although the body of the anti-roll means is offset to the center of the suspension arms, the anti-roll means would still impart the claimed transverse torsional stiffness throughout the suspension arm and to some degree "at or close to" the connection points. The anti-roll means comprises an anti-roll bar or tube. This anti-roll means extends transversely of the longitudinal axis of the associated vehicle is arranged to add bending stiffness to the longitudinal suspension arms close to the pivot points during vehicle roll.

With respect to claims 6 and 7, although Applicant has provided literature to further explain the operation of Applicant's arrangement, Examiner maintains that McJunkin, Jr. is structurally and operationally the same as the Applicant's invention and therefore meets the understood operation in claims 6 and 7. More specifically, the arrangement of McJunkin, Jr. provides for the arms to act as beams pivotally mounted at their one ends to beams which are fixed at those one ends during roll motion of the vehicle. With respect to claim 7, this arrangement also "allows for" the associated pivot points to rotate in opposite directions during vehicle roll while rotating in the same direction during normal ride. There is no feature that would disallow for the opposite movement of the pivot points so therefore, the arrangement "allows" the opposite rotational movement.

However, McJunkin, Jr. does not disclose at least a pair of air bags mounted upon the axle via the leaf springs.

Wilson discloses a leaf spring suspension further comprising air bags mounted on the axle via the leaf spring suspension arms to aid and improve the damping characteristics of the suspension arrangement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the leaf spring suspension of McJunkin, Jr. by providing at least a pair of air bags mounted to the axle via leaf springs as taught by Wilson for improving the damping characteristics and performance of the suspension.

Response to Arguments

With respect to Applicant's argument that McJunkin, Jr. does not show an anti-roll means rigidly connected at connection points and adds torsional transverse stiffness at or close to the connection points, Examiner disagrees and maintains the rejection. In Applicant's argument it is stated that the preferred embodiment comprises a bar connected "directly transverse" between the connection points, however, the claim does not include this limitation ("directly transverse"). As such, the anti-roll means of McJunkin, Jr. is considered to be connected between the connection points. As the rigid mounting points are at or close to the connection points, the anti-roll means of McJunkin, Jr. (22,23,33) would also add transverse torsional stiffness throughout the

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leaf spring suspension arms and would then be considered to provide this stiffness "at or close to the connection points".

Since McJunkin, Jr. is structural and operationally the same as Applicant's invention, the arguments that the roll tube must be of different dimension is irrelevant. With respect to any difference in operation, it is maintained that the suspension of McJunkin, Jr. is operationally the same as Applicant's claimed invention due to the fact that there is no claimed structural difference and the beams/suspension arms would act in a similar manner. The claims must structurally differentiate over the Prior Art.

Conclusion

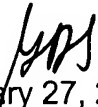
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

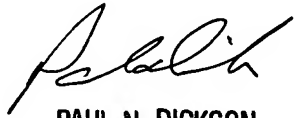
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 9:30-7:00 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gds 
February 27, 2005

 3/4/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600